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Chambers of Vincent L. Briccetti

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JULIO ALFREDO ROSARIO  
GONZALEZ,

Defendant.

**ORDER**

23 CR 186 (VB)

On July 20, 2023, defendant Julio Alfredo Rosario Gonzalez was sentenced principally to a term of imprisonment of 60 months on his guilty plea to conspiracy to distribute and possess with intent to distribute fentanyl.

The applicable sentencing guidelines range was 70-87 months' imprisonment, based on a final offense level of 27 and a criminal history category of I.

The Bureau of Prisons projects that defendant will be released from prison on August 3, 2026.

As pertinent here, in Amendment 821 to the U.S. Sentencing Guidelines, which became effective November 1, 2023, the Sentencing Commission created a new Section 4C1.1, which provides for a two-level decrease in offense level for defendants with zero criminal history points who meet specified eligibility criteria. The Commission decided this change should be applied retroactively.

In light of Amendment 821, defendant has moved for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). (Doc. #107). The Probation Department has issued a supplemental report indicating defendant is eligible for a sentence reduction, finding that defendant's amended offense level is 25, at Criminal History I, such that his amended sentencing range is 57-71 months' imprisonment.

Pursuant to the standing order of the Chief Judge of this District, James E. Neuman, Esq., a member of the Court's Criminal Justice Act panel, is hereby appointed to represent defendant in the Court's consideration of whether defendant's sentence should be modified in light of Amendment 821.

Accordingly, it is hereby ORDERED that by no later than January 26, 2024, the government shall file a statement of its position on the motion for reduction of sentence, and by no later than February 16, 2024, defense counsel shall file a response, if any.

The motion will be resolved on the parties' written submissions, unless otherwise ordered by the Court.

Chambers will mail a copy of this Order to defendant at the following address:

Julio Alfredo Rosario Gonzalez, Reg. No. 98692-509  
FCI Allenwood Low  
Federal Correctional Institution  
P.O. Box 1000  
White Deer, PA 17887

Chambers will also email a copy of this Order to Mr. Neuman.

Dated: January 5, 2024  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti  
United States District Judge